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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11

12 DAVID KLEIN,

13 Plaintiff,

14 v.

15 JELLY BELLY CANDY COMPANY,

16 Defendant.

17 Civil Action No. 2:23-cv-00035-DAD-JDP

18 **[PROPOSED] ORDER AND JUDGMENT**
GRANTING DEFENDANT JELLY BELLY
CANDY COMPANY'S APPLICATION
FOR ATTORNEYS' FEES AND COSTS
PURSUANT TO RULE 41(D)

19 [Filed Concurrently with (1) Notice of
Application for Attorneys' Fees and Costs
pursuant to Rule 41(d); (2) Memorandum of
Points and Authorities; and (3) Declaration of
Eric D. Wong]

20 Date: May 2, 2023

21 Time: 1:30 p.m.

22 Courtroom: 4, 5th floor

23 Trial Date: None Set

1 After consideration of Defendant Jelly Belly Candy Company's Application Under
2 Rule 41 of the Federal Rules of Civil Procedure, the pleadings, briefs, and oral argument
3 presented, as well as all other relevant matters presented to the Court, the hereby GRANTS
4 the application and ORDERS as follows:

5 1. The fees and costs incurred by Defendant Jelly Belly Candy Company are
6 reasonable.
7 2. Defendant Jelly Belly Candy Company shall be entitled to an award of attorney's
8 fees and costs incurred in the New York Action in an amount of \$152,294.55.
9 3. All claims of Plaintiff David Klein are dismissed with prejudice.
10 4. Judgment shall be, and hereby is, entered in favor of Defendant Jelly Belly Candy
11 in the amount of \$152,294.55.
12 5. Plaintiff David Klein shall, by no later than fourteen (14) days of the date of this
13 Order, satisfy this Judgment by sending a certified check in the amount of
14 \$152,294.55 made payable to Jelly Belly Candy Company to the following
15 address:

16 Kurt Kappes
17 Greenberg Traurig, LLP
18 1201 K Street, Suite 1100
19 Sacramento, CA 95814-3938

20 6. The Court shall retain jurisdiction over this matter with respect to the
21 enforcement of this Order and Judgment, including the jurisdiction to issue any
22 appropriate orders to show cause and other appropriate relief, including a
23 debtor's examination and other post-judgment discovery.

24 **IT IS SO ORDERED.**

25 DATED: _____

26 HON. DALE A. DROZD
27 United States District Court Judge